

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REVEREND DR. T. ANTHONY SPEARMAN	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:22CV561
	)	
DERRICK JOHNSON, et al.	)	
	)	
Defendants.	)	

**ORDER**

The record in these actions indicates that Defendants filed a Motion to Dismiss on August 15, 2022. (Doc. 9.) Plaintiff's response to the motion was due September 6, 2022. No response was filed. Plaintiff has been given notice of this failure and advised to respond within 15 days. (Doc. 11.) Attorney Mark T. Cummings has fled a letter indicating that his firm represented Plaintiff in state court before the action was removed to this court and reports that Plaintiff died July 19, 2022, and that Plaintiff's estate intends to voluntarily dismiss the case. Therefore,

IT IS ORDERED that a proper executor or administrator of the estate of Plaintiff file a Notice of Dismissal within fourteen (14) days. See Fed. R. Civ. P. 41(a)(1). The court will dispense with any requirement to file a motion to substitute parties under the circumstances. See Fed. R. Civ. P. 25. If no motion is filed within fourteen days, the action will be DISMISSED WITHOUT PREJUDICE and the case shall be closed.

/s/ Thomas D. Schroeder  
United States District Judge

September 30, 2022